

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

KARIN L KLITZKE,)	CASE NO. CI 16-
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	(LAW)
DANA L EUBANK and TRANSPORT)	
SPECIALISTS LLC a Corporation,)	
)	
Defendants.)	

COMES NOW the Plaintiff, Karin L Klitzke, by and through her attorney James Walter Crampton, and for her cause of action against the Defendants states and alleges as follows:

1. The Plaintiff is an individual and a resident of Douglas County, Nebraska. Defendant Dana L Eubank is an individual and a resident of Putnam County, West Virginia and at all times relevant was employed by the Defendant Transport Specialists LLC which is a corporation.

2. Plaintiff brings this suit to recover damages for personal injuries sustained by Plaintiff in a collision in Douglas County, Nebraska, on or about July 8, 2015, which collision was proximately caused by the negligence of the Defendants. At the time and on the occasion in question, the semi truck with which Plaintiff collided was operated by Defendant Dana L Eubank and owned by Defendant Transport Specialists LLC.

3. On said date, at approximately 10:15am, Plaintiff was operating a motor vehicle traveling west bound on Interstate I-80 and at that time the Defendant Dana L Eubank was operating a semi truck entering the Interstate also traveling west bound and negligently drove the semi truck he was operating into the Plaintiff's vehicle.

4. At the time and on the occasion in question, Defendant Dana L Eubank, while operating said vehicle within the course and scope of his agency and/or employment for Defendant Transport Specialists LLC, failed to use ordinary care by various acts and omissions, including the following, each of which singularly or in combination with others, was a proximate cause of the occurrence in question:

- A. In failing to keep a proper lookout;
- B. In failing to make a timely application of his brakes;
- C. In moving from one lane to another when it was unsafe to do so;

D. In failing to keep his vehicle within his lane of traffic; and

E. In failing to keep his vehicle under control.

5. By failing to operate his vehicle within his single lane of traffic and by moving from one lane to another when it was unsafe to do so, Defendant Dana L Eubank was negligent *per se* and such negligence *per se* was a proximate cause of the occurrence in question.

6. As a result of the collision described above, Plaintiff has suffered severe personal injuries causing Plaintiff to sustain permanent bodily impairment, scarring, loss of earnings, and a loss of earning capacity in the future. Plaintiff has experienced physical pain and mental anguish and will, in reasonable probability, continue to do so in the future by reason of the nature and severity of her injuries and disfigurement. Plaintiff has been caused to incur medical charges and expenses in the past and will, in reasonable probability, continue to incur medical expenses in the future for treatment of her injuries.

7. The Plaintiff was damaged by the actions taken by the Defendants as described herein above in an amount alleged by the Plaintiff to be \$50,000.00.

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, as follows:

1. general damages as may be determined by the evidence;
2. special damages of \$50,000.00, or as may be determined by the evidence; interest on said judgment at the legal rate from date of judgment;
3. prejudgment interest on Plaintiff's damages as allowed by law;
4. costs of court; and
5. such other and further relief as the Court deems just and equitable.

KARIN L KLITZKE, Plaintiff

By: /s/James Walter Crampton
James Walter Crampton #16220
1904 Farnam Street, Suite 200
Omaha, Nebraska 68102
(402) 341-9929
ATTORNEY FOR PLAINTIFF

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

KARIN L KLITZKE,)	CASE NO. CI 16-
)	
Plaintiff,)	
)	
vs.)	PRAECIPE
)	
DANA L EUBANK and TRANSPORT)	
SPECIALISTS LLC a Corporation,)	
)	
Defendanst.)	

TO THE CLERK OF DISTRICT COURT:

Please issue summons for personal service upon the Defendants, Dana L Eubank and Transport Specialists LLC at 4215 5th Street Rd. Huntington, WV 25701 to be served by certified mail.

KARIN L KLITZKE, Plaintiff

By: /s/James Walter Crampton
James Walter Crampton #16220
1904 Farnam Street, Suite 200
Omaha, Nebraska 68102
(402) 341-9929
ATTORNEY FOR PLAINTIFF

Image ID:
D00368561D01

SUMMONS

Doc. No. 368561

IN THE DISTRICT COURT OF Douglas COUNTY, NEBRASKA
1701 Farnam
Omaha NE 68183

Karin Klitzke v. Dana Eubank

Case ID: CI 16 1070

TO: Transport Specialists LLC

FILED BY

Clerk of the Douglas District Court
02/10/2016

You have been sued by the following plaintiff(s):

Karin L Klitzke

Plaintiff's Attorney: James W Crampton
Address: 1904 Farnam Street, Suite 200
Omaha, NE 68102

Telephone: (402) 341-9929

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: FEBRUARY 10, 2016 BY THE COURT:

John M. Friend
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Transport Specialists LLC
4215 5th Street Rd.
Huntington, WV 25701

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.



001274578D01

SERVICE RETURN

Doc. No. 368561

Nebraska District Court
1701 Farnam
Omaha

NE 68183

To:

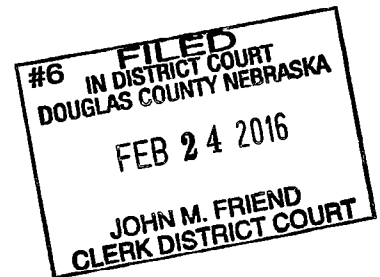
Case ID: CI 16 1070 Karin L Klitzke v. Dana L Eubank

Received this Summons on _____

I hereby certify that on _____

I have received copies of the Summons

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature X <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>TRANSPORT SPECIALISTS LLC 4215 5TH STREET RD HUNTINGTON WV 25701</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>	
<p>2. Article Number (Transfer from service label) 7008 2810 0001 1341 3579</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery </p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	



PS Form 3811, July 2013

Domestic Return Receipt

(son)

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,

TO THE PARTY: TRANSPORT SPECIALISTS LLCAt the following address: 4215 5TH STREET RD. HUNTINGTON WV 25701on the 12TH day of FEBRUARY, 2016, as required by Nebraska state law.Postage \$ 6.74 Attorney for: PLAINTIFF

The return receipt for mailing to the party was signed on _____.

To: Transport Specialists LLC
4215 5th Street Rd.

Huntington, WV 25701

From: James W Crampton
1904 Farnam Street, Suite 200
Omaha, NE 68102

ATTACH RETURN RECEIPT & RETURN TO COURT